

Message Text

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43

ACTION EA-14

INFO OCT-01 ISO-00 L-03 CIAE-00 INR-10 NSAE-00 RSC-01 EB-11

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FM AMEMBASSY JAKARTA

TO SECSTATE WASHDC 9002

INFO USIA WASHDC

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E.O. 11652: N/A

TAGS: PINT, ID

SUBJ: TIME-TEMPO LAWSUIT

REF: A) JAKARTA 11129 B) USIA 17891

1. EMBOFF VISITED LOCAL LAWYER OEI TAT HWAY CLAIMING TO REPRESENT TIME IN CASE OCT 1 AND ASCERTAINED FOLLOWING FACTS. OEI (WHO IS WELL KNOWN LOCAL PATENTS AND TRADEMARKS SPECIALIST) SAYS HE INITIATED CASE AS A RESULT OF CORRESPONDENCE WITH ATTORNEYS LADAS, PARRY, VAN GEHR, GOLDSMITH AND DESCHAMPS (10 COLUMBUS CIRCLE NEW YORK, N.Y. 10019) DATING TO AUGUST 1971 WHEN THEY ASKED HIM TO "DO THE NECESSARY" IN CASE WHERE NEW MAGAZINE TEMPO APPEARED TO BE USING REGISTERED ELEMENTS OF TIME FORMAT INCLUDING NAME TEMPO (WHICH CAN BE CONSTRUED AS DIRECT INDONESIAN TRANSLATION OF "TIME") AND RED-BORDERED COVER DESIGN.

2. OEI (WHO HAS NEVER CORRESPONDED DIRECTLY WITH TIME INC., BUT ONLY WITH THE ATTORNEY) THEN WROTE SERIES OF POLITE LETTERS TO TEMPO
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EDITORS WHICH LATTER IGNORED. OEI INAUGURATED

LEGAL ACTION IN MAY OF THIS YEAR ONLY AFTER
AUTHORIZATION FROM LADAS ET AL. BOTH LOCAL
TIME STRIGNER AND DISTRIBUTING AGENT SAY THEY
ARE NOT INVOLVED AND PROFESS TO KNOW OF CASE
ONLY FROM PRESS ACCOUNTS.)

3. PROSECUTION CASE IS BASED ON INDONESIAN
SIGNATURE (IN 1950) OF UNION CONVENTION OF PARIS,
PARTICULARLY SECTION 6 AND SECTION 8 WHICH
PLEDGES SIGNATOIRES TO PROTECT TRADE NAMES.
RP. 100,000,000 (US \$250,000) BASIC DAMAGES
DEMANDED FROM TEMPO PLUS CERTAUM ADDITIONAL SUMS
AND DESTRUCTION OF CLICHES ETC., INVOLVED IN
ALLEGED VIOLATION. GOVERNMENT OF INDONESIA
(DIRECTORATE OF PATENTS) IS NAMED AS CO-DEFENDANT
IN SUIT SINCE LATTER ACCEPTED REGISTRATION OF TIME
NAME AND CLAIM TO RED-BORDER DESIGN.

4. ACTION REQUESTED: IN VIEW OF INFORMATION
DEVELOPED SINCE REFTELS THAT GOI NAMED AS CO-
DEFENDANT, WOULD BE GRATEFUL IF DEPARTMENT CONTACT
ATTORNEY (LADAS ET AL) AND ALSO TIME INC. AND
DETERMINE THEIR VIEW OF CASE. IT IS STILL NOT
ALTOGETHER CLEAR TO US WHETHER TIME INC. HAS
INTENSE INTEREST IN CASE OR WHETHER THIS IS
ROUTINE ACTION TAKEN BY AMERICAN LAW FIRM ON OWN
INITIATIVE. BELIEVE DEPARTMENT SHOULD ADVISE TIME
INC. THAT IN EMBASSY'S VIEW, SUCCESSFUL
PROSECUTION OF SMALL (CIRCULATION APPROX 25,000)
BUT RESPECTED INDONESIAN-LANGUAGE WEEKLY WHICH
OPERATES ON SHOE-STRING BUDGET BY LARGE AMERICAN
PUBLISHER COULD HAVE MOST UNFORTUNEQE RESULTS, NOT
ONLY FOR US IMAGE GENERALLY BUT ALSO FOR FUTURE TIME
OPERATIONS IN INDONESIA, ESPECIALLY IF GOI IS SECONDARY
LOSER. IF TIME IS DETERMINED TO PRESS CASE BELIEVE
THAT PERSONAL APPROACH TO TEMPO STAFF (WHICH IS
YOUNG, INTELLIGENT AND TO BEST OF OUR KNOWLEDGE
REASONABLE) BY AN AMERICAN SPEAKING FOR TIME INC.
MIGHT BE MORE FRUITFUL THAN CONTINUING LEGAL
CONFRONTATION VIA LOCAL ATTORNEY WHO HAS ADDED
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SOCIO-POLITICAL DISADVANTAGE OF BEING ETHNIC CHINESE.
GALBRAITH

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Message Attributes

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